

DIVISION OF MINERAL MINING PROCEDURES MANUAL		PROCEDURE NO.	2.8.00
		ISSUE DATE	05/21/97
SUBJECT	Special Orders/Notices of Violation	Section	Enforcement
		Last Revised	

OBJECTIVE AND INTENT:

Complete, accurate, and consistent reporting of enforcement actions is important in maintaining a record and history of violations on each mine permit/license site.

PROCEDURES:

Special Orders:

- Work required by the Special Order will be discussed by the mine inspector with the operator or his representative in the field at the time of issuance where practical.
- Special Orders will be issued on the ***DMM Notice/Order form (DMM 104b)***. All blanks on the form will be filled in with the appropriate information or NA to indicate “non-applicable”.
- An “S” will be written in the column labeled “NOS” and the numerical tally of Special Order for the year will be placed in the column labeled “N/O No.”
- The mine inspector will allow the operator sufficient time for completion of the require remedial work. Additional time will be added to allow for mailing of the Special Order; normally three (3) days.
- Under the column labeled “Description”, the following information will be included:
 - * Location and description of the Violation;
 - * Remedial action required to comply or abate the violation.
- When determined by the mine inspector to be necessary, photographs will be taken of the violations requiring a Special Order and the photograph will be documented in accordance with *DMM Policy 2.16*. Note! It should be remembered that issuance of a Special Order can lead to a bond forfeiture, therefore proper documentation of the violation is essential.
- It may be necessary for the mine inspector to issue Special Orders requiring interim steps to prevent further environmental degradation until full compliance can be achieved.
- The mine inspector will distribute copies of the Notice/Order form in the same manner as that outlined for the Inspection Report in *DMM Policy 2.7*.
- The mine inspector will terminate Special Orders using the Notice/Order form and will include the following information in the “Description” section of the form:
 - * Location and description of the violation
 - * Work done to comply the Special Order
- The mine inspector may extend or modify a Special Order when mitigating circumstances warrant such an action. The mine inspector will include the justification for any extension or modification of the Special Order on the Notice/Order form .

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- Special Orders will be tracked by the mine inspector and appropriate action taken within five working days after the expiration date of the order.

Notice of Violation:

- The mine inspector will issue all Notices of Violation on the **Notice/Order form (DMM 104b)**
- All information required on the form will be completed in full.
- An “N” will be written in the column labeled “NOS” An “N” will be written in the column labeled “NOS” and the numerical tally of Notice of Violation for the year will be placed in the column labeled “N/O No.”
- When issuing a Notice of Violation to an operator, independent contractor, or individual , the mine inspector will include the following information:
 - * In the box marked “Office Use” the permit number (“P.N.”) and mine name (“Mine”) at which the violation took place will be identified.
 - * The issuing mine inspector will place his initials in the space marked “INS”, and the date that the violation was issued will be placed in the space indicated.
- Under the column labeled “Description”, the following information will be included:
 - * Location and description of the Violation;
 - * Remedial action required to comply or abate the violation.
- The mine inspector will distribute copies of the Notice/Order form in the same manner as that outlined for the Inspection Report in *DMM Policy 2.7* with the following exception:
 - * When a Notice of Violation is issued to an independent contractor or individual on a mine site, the mine inspector will provide the operator of the mining company with a copy of the Notice/Order form for his records.
- Notices of Violation may be modified, or continued under certain conditions. Where such actions are appropriate, a detailed justification for granting the modification or extension will be provided on the Notice/Order form, or in the body of the Inspection Report accompanying the Notice/Order form.
- Re-inspection of the mine operation will take place within five working days after the expiration date of the order to determine if the Notice of Violation has been complied.
- The Mine Inspector will terminate the Notice of Violation If the operator has completed the required work stated in the Notice. Termination will be documented on a Notice/Order form accompanied by an Inspection Report.
- If an operator fails to comply a Notice of Violation within the prescribed abatement period the Mine Inspector will issued a Closure Order in accordance with the *Mine Safety Act*. The

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abatement period will not be considered expired until after the last full day for compliance has passed or until the time limit in the NOV has expired.

Data Entry:

- While entering the Inspection Report into the Mineral Mining System, the Mine Inspector will also enter data for Special Orders, Notices of Violation, Notices of Non-compliance, and Closure Orders into the "Violation/Correction/Modification Data Entry" screen (DMM.VISS.00)
- The Mine Inspector will write the computer generated "Violation Number" next to its corresponding Notice or Order on the original copy to be submitted to the DMM office.
- Mine Inspector's distribution and time for submittal of Notice/Order forms will follow the procedures found in *DMM Policy 2.7: Data Entry*.
- Upon receipt of the Notice/Order forms in the DMM office, the Program Support Technician will file the forms in the individual permit files.